

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

FINJAN, INC.,  
Plaintiff,  
v.  
SONICWALL, INC.,  
Defendant.

Case No. 17-cv-04467-BLF (VKD)

**ORDER RE DISCOVERY DISPUTES  
RE SONICWALL'S PATENT  
PORTFOLIO AND RESPONSES TO  
FINJAN'S REQUESTS FOR  
ADMISSION**

Re: Dkt. Nos. 276, 277

On August 7, 2020, the parties filed joint discovery letter briefs regarding two discovery-related disputes: (1) SonicWall's responses to Finjan's Requests for Admission Nos. 17-19 and 22 (Dkt. No. 276), and (2) SonicWall's identification of its patent portfolio in its second supplemental initial disclosures served on the last day of fact discovery (Dkt. No. 277). Finjan seeks sanctions in the form of deemed admissions or further responses to its requests for admission, and striking SonicWall's second supplemental initial disclosures with respect to its patent portfolio. The Court heard oral argument on the parties' disputes on August 18, 2020. Dkt. No. 280.

For the reasons stated on the record, the Court resolves these disputes as follows:

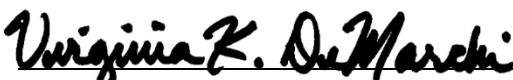
With respect to SonicWall's responses to Finjan's requests for admission, the Court finds no violation of Federal Rule of Civil Procedure 36 occurred. SonicWall's objections and answers satisfy the requirements of Rule 36(a)(4) with respect to the requests at issue. No sanctions are warranted.

With respect to SonicWall's second supplemental initial disclosures, the Court finds that no violation of Rule 26(a) or (e) occurred. Rule 26(a)(1)(A)(ii) requires a party to provide a

1 description *or* a copy of documents that it may use to support a claim or defense. There is no  
2 dispute that SonicWall timely produced the documents at issue. The fact that SonicWall also  
3 separately identified those documents in a supplement to its initial disclosures on the last day of  
4 fact discovery does not create a violation of Rule 26(a) or (e) where none otherwise exists. No  
5 sanctions are warranted.

6 **IT IS SO ORDERED.**

7 Dated: August 18, 2020

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10 VIRGINIA K. DEMARCHI  
11 United States Magistrate Judge  
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